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CASE GT/3-21923/A/AC 533/CONT

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dolores DeCarmin  
Type or print name

Dolores DeCarmin  
Signature

10/4/04  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

ANNE FLISHER ET AL.

APPLICATION NO: 10/791,012

FILED: MARCH 2, 2004

FOR: POLYMERISATION PROCESS

Group Art Unit: 1711

Examiner: S. Berman

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR SUSPENSION OF RULES UNDER 37 CFR § 1.183**

Sir:

The official filing receipt received in the above-identified application, having a mailing date of May 25, 2004, showed a date inconsistency with the Patent and Trademark Office (PTO) records under the **Domestic Priority data as claimed by applicant** information.

Applicants reviewed the file of the parent case **Application No. 09/890,129**. It is noted that the "**Notification of Acceptance of Application Under 35 U.S.C 371**", dated October 11, 2001 (copy enclosed herewith), lists the 371 date for the parent case as August 2, 2001 as the date of receipt of 35 USC 371(c)(1), (c)(2) and (c)(4) requirements and the Date of receipt of all 35 USC requirements as July 27, 2001. Herein lies the discrepancy. The date of express mailing for the parent 09/890,129 is clearly marked on the receipt postcard. The receipt postcard indicated that the parent should have been accorded the original filing date of July 27<sup>th</sup>, 2001. A copy is enclosed for your records.

This appears to be a clerical error made by the PTO. However, Applicants did not notice the incorrect filing date, so the PTO continued to use the incorrect date throughout the prosecution of the parent case and carried forward to the most recently filed continuation 10/791,012.

In response to the date inconsistency on the above-mentioned official filing receipt for the continuation (10/791,012), Applicants promptly submitted a Letter requesting correction on August 11, 2004. The PTO Response, mailed on September 7, 2004, indicated that a petition would be required to effect correction. Hence this petition is being timely filed.

Thus at this time, Applicants hereby petition for a suspension of the rules under 37 CFR § 1.183 and petition that the PTO issue a corrected filing receipt for the above-identified application wherein the phrase “(\*)**Data inconsistent with PTO records**” is deleted for the reasons given above, and that the 371 date for Application No. 10/791,012 be changed to July 17, 2001 as listed on the Notice of Acceptance. The corrected filing receipt should read:

**Domestic Priority date as claimed by applicant**

This application is a DIV of 09/890,129 07/27/2001  
which is a 371 of PCT/EP01/00391 01/15/2001.

While Applicants believe no fee should be required to correct an error made by the PTO, the Commissioner is hereby authorized to charge any fee under 37 CFR 1.17(h) that may be required to Deposit Account 03-1935.

Applicants believe that all requirements for a petition under 37 CFR § 1.183 have been met and respectfully request that their petition be granted. Please refer any questions to Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

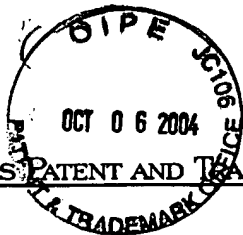


Tyler Stevenson  
Agent for Applicants  
Reg. No. 46,388

Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
(914) 785- 2784  
SAL/21923\_cont\_183.doc

Encls.: copy of receipt postcard filed by Express Mail for parent application, copy of Notice of Acceptance of Application Under 35 USC 371 for parent, and copy of filing receipt for 10/791,012.

**OCT - 4 2004**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/791,012	03/02/2004	1713	770	GT/3-21923/A/AC/ 533/CONT		13	2

CONFIRMATION NO. 1286

000324

CIBA SPECIALTY CHEMICALS CORPORATION  
PATENT DEPARTMENT  
540 WHITE PLAINS RD  
P O BOX 2005  
TARRYTOWN, NY 10591-9005

**RECEIVED**

JUN 1 2004

ANDREA DECECHIS  
DOCKET COORDINATOR  
PATENT DEPARTMENT

## FILING RECEIPT



\*OC000000012770869\*

Date Mailed: 05/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Anne Flisher, Halifax, UNITED KINGDOM;  
Gareth Ian Naylor, Halifax, UNITED KINGDOM;  
Lee Raistrick, Bradford, UNITED KINGDOM;

## Domestic Priority data as claimed by applicant

7/27/2001

This application is a CON of 09/890,129 08/02/2001 \*  
which is a 371 of PCT/EP01/00391 01/15/2001

(\*)Data provided by applicant is not consistent with PTO records.

Delete

## Foreign Applications

UNITED KINGDOM 0001883.8 01/28/2000

If Required, Foreign Filing License Granted: 05/24/2004

Projected Publication Date: 09/02/2004

Non-Publication Request: No

Early Publication Request: No

GT/3-21923/A/AC 533/CONT

☒ Commissioner For Patents, Box PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov

U.S. APPLICATION NUMBER NO.

09/890,129

FIRST NAMED APPLICANT

Anne Flisher

ATTY. DOCKET NO.

INTERNATIONAL APPLICATION NO.

PCT/EP01/00391

IA. FILING DATE

01/15/2001

PRIORITY DATE

01/28/2000

000324

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PATENT DEPARTMENT  
540 WHITE PLAINS RD  
P O BOX 2005  
TARRYTOWN, NY 10591-9005

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OCT 26 2001

ANDREA DECECCHIS  
DOCKET COORDINATOR  
PATENT DEPARTMENT

CONFIRMATION NO. 1828

371 ACCEPTANCE LETTER



\*0C000000008857635\*

Date Mailed: 10/11/2001

# **NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

08/02/2001

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

07/27/2001

DATE OF RECEIPT OF ALL 35 U.S.C.  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

*Copy sent to Bradford  
10/31/01*

*GT/ 3-21923/A /AC 533/PCT*

**Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)**

---

**PATRICIA A BOOKER**

**Telephone: (703) 305-3738**

**PART 1 - ATTORNEY/APPLICANT COPY**

Case No. GT/3-21920/A/AC-333/PCT  
 Application Serial No. PCT/EP01/00391  
 Mailing Date: 7/27/01 Express  
 Due Date: 9/28/01 Mail!

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

☒ Amendment - Fee \$ \_\_\_\_\_  
☐ Appeal Brief - Fee \$ \_\_\_\_\_  
☒ Application Filing Papers - Fee \$ 700.00  
☒ PCT national stage Form 910, 10 pgs. 4/27/01  
☐ Provisional Application  
☐ Assignment Recordation - Fee \$ \_\_\_\_\_  
☐ Associate Power of Attorney  
☐ Claim of Priority  
☐ Certified Copy(ies)  
☒ Declaration and Power of Attorney  
☐ Declaration ☐ Rule 131 ☐ Rule 132  
☐ Foreign Filing license request  
☐ Formal Drawings  
☐ Information Disclosure Statement - Fee \$ \_\_\_\_\_  
☐ Issue Fee Transmittal - Fee \$ \_\_\_\_\_  
☐ Letter/Response  
☐ Notice of Appeal - Fee \$ \_\_\_\_\_  
☐ Petition for FOR 9/27/01 - Fee \$ \_\_\_\_\_  
☐ Petition for extension of time - Fee \$ \_\_\_\_\_  
☐ Reply Brief  
☐ Request for Oral Hearing - Fee \$ \_\_\_\_\_  
☐ Request for Certification of Correction - Fee \$ \_\_\_\_\_  
☐ \_\_\_\_\_

**09/890129**

**518 Rec'd PCT/PTO 27 JUL**

**DU-PTED**

**FOR 9/27/01**

**6-2259-65 6/98**

*DR*

*Copy sent to Bradford  
 9/21/01 SD*

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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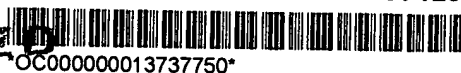
APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/791,012	03/02/2004	Anne Flisher	GT/3-21923/A/AC/ 533/CONT

000324

CIBA SPECIALTY CHEMICALS CORPORATION  
 PATENT DEPARTMENT  
 540 WHITE PLAINS RD  
 P O BOX 2005  
 TARRYTOWN, NY 10591-9005

CONFIRMATION NO. 1286

RECEIVED



OC000000013737750\*

SEP 21 2004

ANDREA DECECCHIS  
 DOCKET COORDINATOR  
 PATENT DEPARTMENT

Date Mailed: 09/07/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Claims, Fees, and Inventors


In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16 (e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- ☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- ☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- ☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- ☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.

GT/3-21923/A/AC 533/CONT



- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).
- ☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).
- ☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
- ☐ A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.
- ☐ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.
- ☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.
- ☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.
- ☐ The docket number allows a maximum of 25 characters.
- ☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
- ☒ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY